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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,668	06/30/1999	JOHN S. DANIEL	36968-179673	1489
7590 02/14/2006 MERCHANT & GOULD P.C. P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER LEVITAN, DMITRY	
			ART UNIT 2662	PAPER NUMBER

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
09/345,668	DANIEL ET AL.	
Examiner	Art Unit	
Dmitry Levitan	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7, 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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Amendment, filed 01/30/06, has been entered. Claims 1, 2, 5, 7, 9-17 remain pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 2, 5, 7, 9-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 7, 9-11 limitations directed to communication element, PBX, end office, MSC “operative to receive routing instructions including routing data from SCP” and route the calls “based on the routing instructions received” were not described in the specification as filed.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 2, 5, 7, 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 7, 9-11 limitations “routing instructions including routing data” are unclear, because it is not understood what routing instructions mean in the context of the claims: a new telephone number to route the call or instructions to write new routing data (telephone number) in the table.

Claims 1, 7, 9-11 limitations “a service control point” is unclear, because it is not understood what the service control point is controlling and is point a device or an interface.

Claim Rejections - 35 USC § 103

1. Claims 1, 2, 5, 7, 9-17 are rejected (as best understood) under 35 U.S.C. 103(a) as being unpatentable over Emery (US 6,011,975).

2. Regarding claims 1, 2, 5, 7, 9-12, 14, 16 and 17, Emery teaches a method and a telecom system (Fig. 2) including a wireless system with a mobile switching center (Cellular MC 22 on Fig. 2) and including a wireline network (telephones connected to SSP 11 on Fig. 2 and 11:2-12), wherein wireline units may call each other by using an extension (wired and wireless members of a Centrex group 24:55-64).

The wireline network has a communication element (Integrated Service Control Point ISCP 40 and Signaling Transfer Point STP 31 on Fig. 2, 12:11-13 and 13:17-22) with access to a table with wireline entries (stored data table 25:38-47 with data fields, inherently including routing and destination numbers 13:31-44, because correlation of routing numbers and destination numbers is essential for the system operation) including wireline extension (TCAP routing number) and corresponding wireline directory number (TCAP destination number). Transaction Capabilities Application Part (TCAP) is a protocol utilizing numerous tables including the table with routing and destination numbers entries.

The telecom system includes wireline and wireless units (Fig. 2) where each unit can call the other using an extension (Centrex Group 24:55-64).

The wireless system comprises:

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A. the table with entries for all wireless units (wireless members of the Centrex group 24:55-64), inherently stored in one of communication element/ISCP databases (13:49-62), because storing a number corresponding to an extension is essential for the system operation,

B. the communication element (ISCP 40 and STP 31 on Fig. 2, 12:11-13) comprises the table (TCAP) and receive routing information including routing data from a service control point to route the call according to the corresponding wireless number based on the instructions received (inherently part of the system, because Emery teaches user registration with the table of ISCP 40 (16:1-27), wherein user provides the data for routing future phone calls, including wireless and wireline. The communication element comprises the storage portion of ISCP with the table, which receives the data from an STP 31 12:20-25, wherein STP 31 operates as a service control point),

C. the MSC of the wireless network (Cellular MC 26 on Fig. 2) being connected to the communication element (ISCP 40 and STP 31 on Fig. 2) and being operative to access table (TCAP) and route calls (MSC operation is essential to the system, wherein wireless and wireline units are included in the same Centrex Group 24:51-64).

The telecom system is a Centrex network where a caller would dial a limited number of digits and the network would access data in the ISCP to determine the complete destination number (24:55-64).

Emery does not teach storing the table at MSC and the communication element comprising the MSC.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combines the communication element with the MSC in the system of Emery to improve the

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system connection setup time for the wireless customers if the majority of the Centrex Group are wireless.

In addition, regarding claim 9, Emery teaches qualified wireless and wireline units as the subscribers of a Centrex Group (24:51-64).

In addition, regarding claim 17, Emery teaches communication element not storing the table, comprising instructions to route a call to the corresponding wireless number (switches SSP 11, 13 etc on Fig. 2 and 11:22-30 routing telephone calls with ISCP instructions 16:55-65 to reach a wireless member of the Centrex Group 24:55-64).

3. Regarding claims 13 and 15, Emery teaches a method and a telecom system (Fig. 2) including a wireless system with a mobile switching center (Cellular MC 22 on Fig. 2), PBX services (10:57-67) and including a wireline network (telephones connected to SSP 11 on Fig. 2 and 11:2-12), wherein wireline units may call each other by using an extension (wired and wireless members of a Centrex group 24:55-64).

The wireline network has a communication element (Integrated Service Control Point ISCP 40 and Signaling Transfer Point STP 31 on Fig. 2, 12:11-13 and 13:17-22) with access to a table with wireline entries (stored data table 25:38-47 with data fields, inherently including routing and destination numbers 13:31-44, because correlation of routing numbers and destination numbers is essential for the system operation) including wireline extension (TCAP routing number) and corresponding wireline directory number (TCAP destination number). Transaction Capabilities Application Part (TCAP) is a protocol utilizing numerous tables including the table with routing and destination numbers entries.

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The telecom system includes wireline and wireless units (Fig. 2) where each unit can call the other using an extension (Centrex Group 24:55-64).

The wireless system comprises:

A. the table with entries for all wireless units (wireless members of the Centrex group 24:55-64), inherently stored in one of communication element/ISCP databases (13:49-62), because storing a number corresponding to an extension is essential for the system operation,

B. the communication element (ISCP 40 and STP 31 on Fig. 2, 12:11-13) comprises the table (TCAP) and being operative to route the call,

C. the MSC of the wireless network (Cellular MC 26 on Fig. 2) being connected to the communication element (ISCP 40 and STP 31 on Fig. 2) and being operative to access table (TCAP) and route calls (MSC operation is essential to the system, wherein wireless and wireline units are included in the same Centrex Group 24:51-64).

The telecom system is a Centrex network where a caller would dial a limited number of digits and the network would access data in the ISCP to determine the complete destination number (24:55-64).

Emery does not teach storing the table in a distributed scheme at each end office, PBX and MSC.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the table in a distributed scheme at each end office, PBX and MSC in the system of Emery to improve the system connection setup time for all customers and the system reliability, because the distributed scheme will reduce the setup time by faster extension to destination number conversion and a failure of one of the tables will not fail all the Centrex Group.

Response to Arguments

4. Applicant's arguments filed 1/30/06 have been fully considered but they are not persuasive.

On page 10 of the Response, Applicant argues that Emery teaching of ISCP and STP separate from MSC (Mobile Switching Center) teaches away from combining these elements.

Examiner respectfully disagrees.

Emery teaches wireless registers (HLR, VLR and EIR), incorporated into ISCP 9:13-18 to be located at the MSC or at a remote point 5:1-8.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combines the communication element with the MSC in the system of Emery to improve the system connection setup time for the wireless customers if the majority of the Centrex Group are wireless. See Obvious Design Choice Case on making elements integral In re Larson 144 USPQ 347 (CCPA 1965).

On page 11 of the Response, Applicant argues that ISCP and STP cannot be combined with MSC because the MSC would not store and access the table

Examiner respectfully disagrees.

Examiner believes that combining ISCP and STP with an MSC will not change the operation of the system, as storing the table in the ISCP element of the MSC and will reduce the delay time for wireless customers call setup.

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On page 12 of the Response, Applicant argues that Emery teaching of storing the table at an ISCP teaches away from distributing the table at each end office, PBX and MSC.

Examiner respectfully disagrees.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the table in a distributed scheme at each end office, PBX and MSC in the system of Emery to improve the system connection setup time for all customers and the system reliability, because the distributed scheme will reduce the setup time by faster extension to destination number conversion and a failure of one of the tables will not fail all the Centrex Group. See Obvious Design Choice Case on making elements separate *Nerwin v. Erlichman* 168 USPQ 177.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'DL' followed by a stylized name.

Dmitry Levitan
Patent Examiner.
2/8/06